

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-4 are pending, with claims 3 and 4 being withdrawn from consideration. Claim 1 is amended. The Examiner is respectfully requested to reconsider the rejections in view of the arguments and remarks set forth herein.

Reason for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the Final Office Action was reviewed.

Acknowledgement of Information Disclosure Statement

The Examiner has acknowledged receipt of the Information Disclosure Statements filed November 28, 2001, May 28, 2002, and April 5, 2001, and has returned initialed copies of Forms PTO-1449.

Rejections Under 35 U.S.C. §102(b) and §103(a)

Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over EP 0331447 and, separately, under 35 U.S.C. §103(a) as being unpatentable over EP 1447 in view of the so-called admitted prior art. These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, independent claim 1 is amended here to recite a molded resin laminate produced by joining a resin cover and a base resin component held on a mold of a forming machine to one another with a foamed resin component intervening therebetween in a cavity of said forming machine, and forming said resin cover and said foamed resin component by evacuating gas from said cavity through a plurality of gas-aspirating passages provided on a side of said cavity adjacent to said resin cover, wherein:

said molded resin laminate comprises a base layer composed of said base resin component, an intermediate layer composed of said foamed resin component, and a surface layer composed of said resin cover in this order, and an average diameter of cells existing in a region of said intermediate layer on a side of said surface layer is smaller than an average diameter of cells existing in a region on a side of said base layer, and

said molded resin laminate comprises a bent portion, and cells existing in said

intermediate layer in a vicinity of said portion are elongated.

These features are not shown or suggested in the cited reference. Further, having considered the Examiner's rebuttal arguments, the Applicants respectfully submit that the claimed invention still is not suggested by the cited reference, for the following additional reasons.

Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by, or *in the alternative*, as being obvious over EP 0331447.

As was pointed out previously, all of the inventive examples given in the cited reference disclose that the skin material is bonded to the foam layer on a side having a larger expansion ratio. Only Comparative Example 1 discusses, for comparison purposes only, a test in *which* the skin layer was bonded to the side of the foamed layer having a smaller expansion ratio.

Although Comparative Example 1 produced an article that was considered to be of practical use in a limited sense, the produced article was still inferior to the inventive example, and Comparative Example 1 was intended to show the improvements achievable by the invention of EP '447 over such a method. Thus, a person skilled in the art, reading EP '447 in its entirety, would not have been motivated to use the method of Comparative Example 1, but rather would come away believing that the method of Comparative Example 1 results in an inferior product having an uneven skin surface that, in general, should not be used. The clear and principal teaching of the reference is that the skin layer should be bonded to the side having the larger expansion ratio.

Secondly, although the reference discusses a conventional process in which air is removed from a space between a female half of the mold and the composite comprising a polyolefin resin foam and a laminated skin material, again the reference emphasizes the serious disadvantages of the first conventional process (page 2, lines 41-45). Thus, a person skilled in the art reading EP '447 would not have been motivated to use the teachings of EP '447 with the so-called first conventional mold forming process.

In other words, the totality of the cited reference would lead a skilled person in the art away from providing a skin layer on a side of the foam layer having a smaller expansion ratio (because doing so produces an inferior article as indicated in Table 1), and also teaches away from using an vacuum- evacuateable mold cavity forming process (because of the disadvantages noted for this structure on page 2, lines 41-45). The actual inventive embodiments used according the teachings of EP '447 do not use an evacuateable mold cavity.

In brief, the Applicants believe it is a preposterous position to assert that a person skilled in the art would have been motivated, upon reading EP '447, to take features discussed in the cited reference which are disclosed either as being inferior or possessing serious disadvantages, and neither of which are used in the actual invention of EP '447, and then combining such features to reach the subject matter of the pending claims.

Finally, EP '447 does not teach or suggest a structure in which a molded resin laminate comprises a bent portion, wherein cells existing in the intermediate layer in the vicinity of the bent portion are elongated, as shown in FIG. 3 of the present invention. The Applicants point

out that the structure of the elongated cells in the vicinity of the bent portion is only obtainable by evacuating gas from a side of the mold cavity adjacent to the resin cover layer, as a result of first compressing the foamed layer by bending around the bent portion of the mold, and then stretching of the foamed layer in the vicinity of the bent portion.

Therefore, the claimed invention is neither actually disclosed by, nor rendered obvious over the teachings of EP '447.

Claims 1-2 were also rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0331447 in view of the so-called admitted prior art discussed on page 5, line 11, though page 6, line 2, of the present specification.

The Applicants again insist that this so-called admitted prior art does not remedy the deficiencies of EP '447. Actually, the prior art discussed at this part of the present specification is Japanese Laid-Open Publication No. 9-12762. As noted in the present specification, however, the reference discloses forming a foam resin component in which the cells near the surface of the component are smaller than those at a central portion of the component. Only after creation of the foamed resin component, then a surface coating such as a resin or cloth material is applied (i.e. laminated) to the foamed resin component. In other words, the cover layer is not bonded to the foamed resin layer during a vacuum forming process. Therefore, the reference does not teach or suggest a vacuum forming process in which a resin cover layer is applied to a foamed resin component, wherein the resin cover layer and foamed resin component together are subjected to a vacuum forming process in

which a plurality of gas-aspirating passages are provided on a side of the mold cavity adjacent to the applied resin cover.

In summary, the references do not teach the combined effects of 1) using a foamed resin layer in which the average diameter of cells existing in a region of the intermediate layer of a side of said surface layer is smaller than an average diameter of cells existing in a region on a side of the base layer; and 2) subjecting the combined foamed resin and resin cover layer to a vacuum processing wherein gas is evacuated from a side adjacent to the cover layer, for the purpose of forming cells existing in the intermediate layer in the vicinity of the bent portion are elongated cells as set forth in the combination of elements of claim 1.

Inasmuch as EP '447 fails to teach or suggest the novel combination of elements set forth in the claims of the present invention, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and §103(a) are respectfully requested, and allowance of independent claim 1 and dependent claim 2, are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

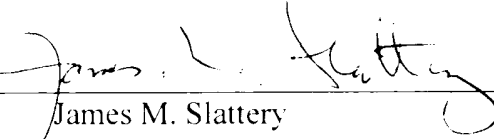
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380

303-444P
JMS:CTT;jls

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000